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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,144	06/26/2003	William J. Gray	37355-131	5162

7590

07/06/2006

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EXAMINER

AGWUMEZIE, CHARLES C

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/607,144	<b>Applicant(s)</b> GRAY ET AL.	
	<b>Examiner</b> Charlie C. Agwumezie	<b>Art Unit</b> 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-29 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-29**, are rejected under 35 U.S.C. 102(e) as being anticipated by Goldthwaite U.S. Patent Application Publication No. 2004/0019564 A1.

1. As per **claim 1**, Goldthwaite discloses a system for conducting secure transactions comprising:

a processor means in communication with a network (fig. 2; 0049; 0050);  
a goods and/or services provider in communication with the network (fig. 2);  
a token reader in communication with the processing means (figs. 2 and 11);  
a token having transaction account information stored thereon wherein said token is read by the token reader when conducting a transaction with the goods and/or services provider via the network (see figs. 2, 11, 12 and 13; 0049; 0050).

2. As per **claims 2 and 13**, Goldthwaite further discloses the system wherein said network is the internet (fig. 2).

3. As per **claim 3**, Goldthwaite further discloses the system wherein said processing means is a computer (fig. 2).
4. As per **claim 4**, Goldthwaite further discloses the system wherein said processing means is a telephone (fig. 2).
5. As per **claim 5**, Goldthwaite further discloses the system wherein said processing means is a personal digital assistant (fig. 2).
6. As per **claim 6**, Goldthwaite further discloses the system wherein said token comprises an integrated microchip for storing information thereon (0049; 0050).
7. As per **claim 7**, Goldthwaite further discloses the system wherein said token reader reads said transaction account information from said token (figs. 2 and 13; 0049; 0050).
8. As per **claim 8**, Goldthwaite further discloses the system wherein said token reader reads said information from said token by scanning said token (figs. 2 and 13; 0049; 0050).
9. As per **claim 9**, Goldthwaite further discloses the system further comprising:

an authorization system in communication with the network for authenticating the transaction with the goods and/or services provider (figs. 2 and 13; 0001; 0003).

10. As per claim 10, Goldthwaite further discloses the system wherein said goods and/or services provider has a web-site for conducting transactions via the network (see fig. 2; 0037).

11. As per claim 11, Goldthwaite further discloses the system wherein said processing means comprises an identifier that indicates to the goods and/or services provider whether the processing means is enabled to conduct transactions with a token reader (fig. 13; 0051).

12. As per claim 12, Goldthwaite discloses a method of conducting secure transactions comprising the steps of:

providing a customer having a processor means in communication with a network and further in communication with a token reader (fig. 2; 0049; 0050);

providing a goods and/or services provider in communication with the network (fig. 2; 0049; 0050);

the customer contacting said goods and/or services provider with the processor means via the network and selecting a good and/or service to purchase, said customer utilizing a token for the purchase of said good and/or service (see figs. 2, and 13; 0049; 0050; 0051);

the goods and/or services provider communicating with a token authenticator via the network for enabling an authentication of the customer's token (see figs. 9-13; 0049; 0050; 0051);

the processor means obtaining transaction account information from said token with said token reader (0049; 0050; 0052);

the processor means passing said transaction account information to said token authenticator via the network for authenticating said token (see figs. 2 and 13; 0049; 0050; 0052 ); and

the token authenticator approving the transaction if the token authenticator authenticates the token (fig. 13; 0041; 0049;0050; 0051 ).

13. As per **claim 14**, Goldthwaite further discloses the method further comprising the step of:

the goods and/or services provider detecting whether the processor means is able to support a transaction using a token reader after the customer selects a good and/or service for purchase from the goods and/or services provider (fig. 13; 0051).

14. As per **claim 15**, Goldthwaite further discloses the method further comprising the step of: the goods and/or services provider offering to said customer an option of conducting the transaction with the token reader after the customer selects a good and/or service for purchase from the goods and/or services provider (see fig. 13; 0051).

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15. As per **claim 16**, Goldthwaite further discloses the method further comprising the step of: the customer selecting the option to conduct said transaction with the token reader (fig. 13; 0051).

16. As per **claim 17**, Goldthwaite further discloses the method further comprising the step of: the goods and/or services provider passing transaction details to both said token authenticator and said processor means via the network after the customer selects a good and/or service for purchase from the goods and/or services provider (see fig. 13; 0051).

17. As per **claim 18**, Goldthwaite further discloses the method further comprising the step of: the processor means communicating with said token authenticator for authenticating the transaction by passing the transaction details to said token authenticator after the goods and/or services provider passes said transaction details to said processor means (fig. 13, 0051).

18. As per **claim 19**, Goldthwaite further discloses the method further comprising the step of: the goods and/or services provider invoking software for utilizing said token reader in communication with said processor means via the network after the customer selects a good and/or service for purchase from the goods and/or services provider (see figs. 9-13; 0049; 0051; "authentication client application stored in the mobile phone...").

19. As per **claim 20**, Goldthwaite further discloses the method further comprising the step of: the processor means obtaining the transaction account information by scanning the token with the token reader (0049; 0050; 0052).

20. As per **claim 21**, Goldthwaite further discloses the method further comprising the step of: communicating to said customer that the transaction is processing after the processor means passes said transaction account information to said token authenticator (fig. 13; 0017; 0051; "...notification sent to customer...").

21. As per **claim 22**, Goldthwaite further discloses the method wherein said token authenticator communicates to said customer that the transaction is processing (fig. 13; 0017; 0051; "...notification sent to customer...").

22. As per **claim 23**, Goldthwaite further discloses the method further comprising the step of: the token authenticator communicating to the goods and/or services provider via the network whether the transaction is approved or not (fig. 13; 0017; 0051; 0041; "...notification sent to customer...").

23. As per **claim 24**, Goldthwaite further discloses the method further comprising the step of: communicating to the customer that the transaction is complete via the network after the token authenticator approves or disapproves said transaction (fig. 13; 0017; 0041; 0051; "...notification sent to customer...").



24. As per **claim 25**, Goldthwaite further discloses the method further comprising the step of: the token authenticator redirecting the customer back to the goods and/or services provider on the network (0049; 0050; 0051).

25. As per **claim 26**, Goldthwaite further discloses the method further comprising the step of: the customer obtaining the results of whether the transaction is approved via a communication from the goods and/or services provider on the network (fig. 13; 0017; 0051; "...notification sent to customer...").

26. As per **claim 27**, Goldthwaite further discloses the method wherein said token reader is capable of scanning an intelligent token (0005; 0049; 0050; 0052).

27. As per **claim 28**, Goldthwaite further discloses the method wherein said token reader is capable of scanning a transaction card (0005; 0049; 0050; 0052).

28. As per **claim 29**, Goldthwaite further discloses the method wherein said transaction card is a smart card (0005; 0049; 0050; 0052).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on **(571) 272 – 6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks  
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Or faxed to:

**(571) 273-8300**. [Official communications; including After Final communications labeled "Box AF"].

**(571) 273-8300**. [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"].

Hand delivered responses should be brought to the United States Patent and Trademark Office Customer Service Window:

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Charlie Lion Agwumezie

Patent Examiner

Art Unit 3621

June 15, 2006

*Charles Lion Agwumezie*  
PRIMARY EXAMINER